



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

163  
19.2

Bd 900 1923

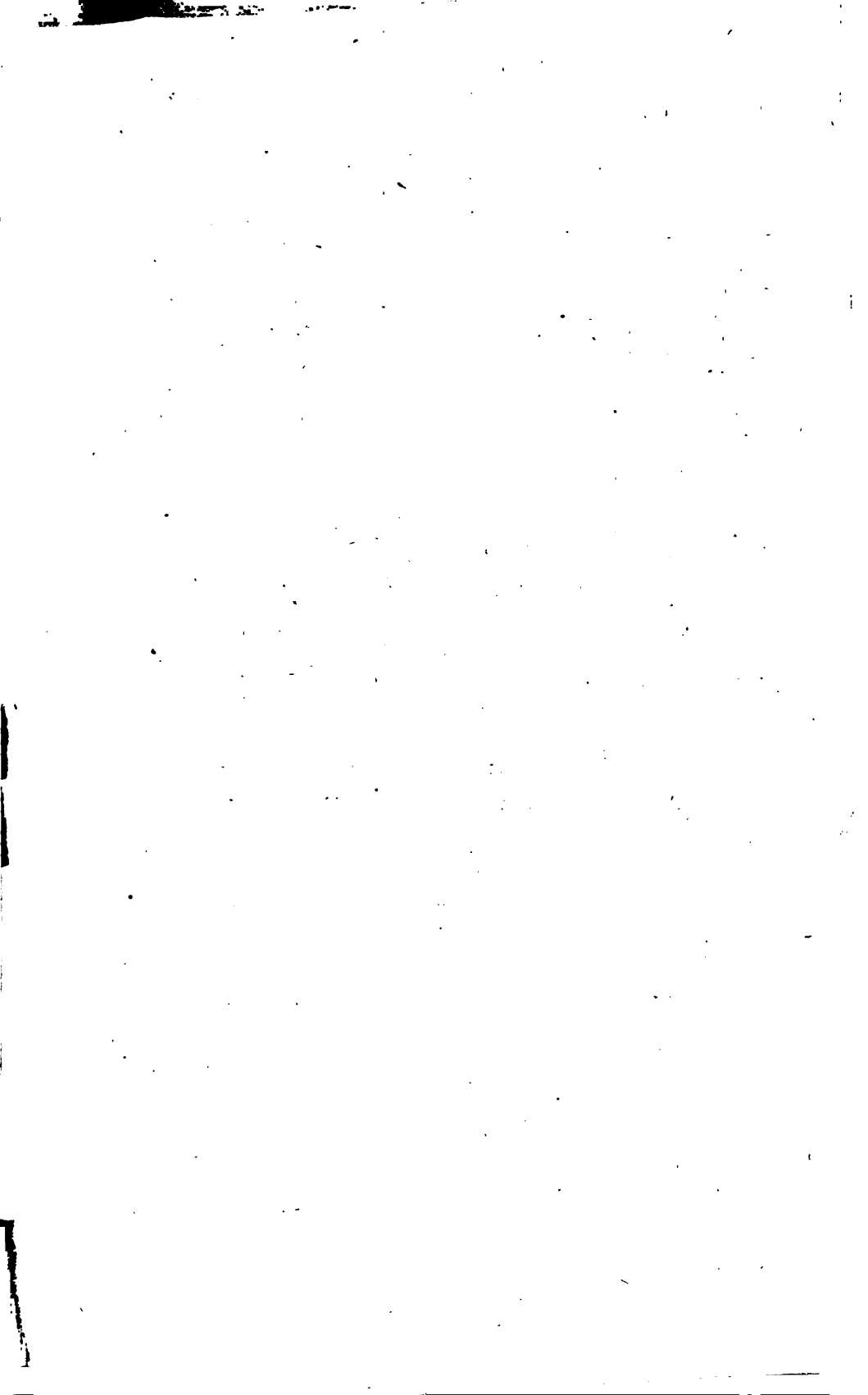


HARVARD LAW LIBRARY

*Gift of*  
*James Munson Barnard*  
*and*  
*Augusta Barnard*

RECEIVED

*Mar 12. 1923*





33  
29  
c+

LIABILITY

OF THE

GOVERNMENT OF GREAT BRITAIN

FOR THE

DEPREDATIONS OF REBEL PRIVATEERS

ON THE

COMMERCE OF THE UNITED STATES, CONSIDERED.

BY

CHARLES P. KIRKLAND.

---

REPRINTED FROM HUNT'S MERCHANTS' MAGAZINE FOR NOVEMBER, 1863.

---

NEW-YORK:

ANSON D. F. RANDOLPH, 683 BROADWAY.

1863.

MAR 17 1923

## DEPREDACTIONS OF REBEL PRIVATEERS.

---

PECUNIARY interests, to the amount of millions of dollars, are dependent on this question; the subject itself concerns the relations of two of the great powers of the world; in it may possibly be involved the question of peace or war between those powers, and thereby, not improbably, the peace of every nation in Christendom, and, by consequence, the highest interests of humanity.

A matter which, by possibility, may result in consequences so momentous, should be approached with the utmost coolness and impartiality; and its discussion should be marked by a conscientious regard to truth—truth alike as to facts alleged and the principles of law applicable to those facts and furnishing the rule of decision.\*

No citizen of the United States, who loves his country or his race, can desire to see a rupture of the amicable relations which have existed between his country and Great Britain for upwards of half a century. On the contrary, his ardent desire should and would be, that these relations should be perpetual; he would regard it as his imperative duty to see to it that, if those relations are interrupted, the fault could not be attributed to his country, but should, in the judgment of enlightened men everywhere and by the Great Ruler of all, be charged upon Great Britain.

It is, undoubtedly, a task of difficulty for a right-minded American, by whatever party name he may be called, and whether he is among the supporters or the opponents of the present administration, and whatever his views may be of the origin and causes of the present rebellion, or of the mode in

which the war for its suppression has been conducted—it is, I say, a difficult task for any American citizen, in view of all that has occurred in England since that war commenced, to enter on the investigation of the present question with the calmness so essential to the elucidation of truth at all times, and so indispensable on the present occasion. When he adverts to the undeniable fact that, without the recognition by the British Queen of the Rebel States as “belligerents,” and the consequent proclamation of “neutrality,” and without the constant enormous supplies to them of munitions of war of every variety by the subjects of the British Crown, the war could by no physical possibility have continued one year after the firing of the first gun at Fort Sumter, on the 12th of April, 1861; and when he remembers that those acts of that Government and its subjects occurred in a time of profound peace and during the existence of a perfect treaty of amity and concord between them and us, and that, they occurred, too, within a few months after the whole American people had exhibited to an admiring world the sublime and beautiful spectacle of an universal ovation to the future King of England\*—it is, I repeat, a work of difficulty for him to free himself from the influence of all those facts in an endeavor, however sincere, to arrive at a correct conclusion in reference to the rights of his own country and the duties of Great Britain in the matter now under consideration. Still, that task can be performed, and it will be my earnest effort, in this investigation, to disregard all extraneous influences and to conduct it with that candor without which arguments and conclusions would be alike valueless.

Some grounds for the liability of the British Government on this occasion have been stated by high American authority, which, in my view, are untenable. These grounds will, preliminarily, be mentioned :

First: These privateers have been called “British pirates,” and, as such, it is urged, that the British Government is liable for their acts.

\* It is not to be forgotten that this magnificent tribute came, in fact, from the 24,000,000 people of the States now engaged in the sacred work of preventing the destruction of the Republic. The only place visited by the Prince of Wales in the States now in rebellion, was Richmond, and there he met with the only insult he received on this side the Atlantic!



They cannot, on a just construction of the "Law of Nations," be, in any legal or "international" sense, denominated "pirates." It is conceded that they acted under commissions from the Rebel Confederacy: that Confederacy was in May, 1861, recognized as a "belligerent" by the British Government; it has practically been recognized by our own as a "belligerent" in the most emphatic and conclusive manner, by the *exchange of prisoners* and otherwise. But, mark! this recognition was *subsequent* to that of the British Government, and arose from the *absolute necessity* of the case—a necessity caused, in part or mainly, by *that very recognition* by Great Britain. If rebel soldiers, who have captured in battle the property of citizens of the United States, are not legally robbers, and if rebel soldiers, who have killed in battle citizens of the United States, are not legally murderers, then the crews of the rebel privateers are not "pirates," and the vessels themselves are not "piratical" vessels. I use the terms "pirates" and "piratical" in a *legal* sense, and solely in reference to the liability of the British Government for their acts; the character of these privateers in a practical and moral sense is a different matter, which will hereafter be alluded to. The definition of piracy, as found in text writers, is, "the offence of depredating on the high seas without being authorized by any sovereign State." (Wheat. *Int. Law*, p. 246, Ed. 1863.) The definition is incomplete without this addition: "or by persons assuming to be a State and recognized by other States as belligerents."

So far as *this* question of technical, legal *piracy* is concerned, a commission from the Rebel Government is as available for all purposes as if that Government was a *recognized* Government. Had the Rebel States not been recognized as "belligerents," then, indeed, those privateers would have been in every sense "piratical vessels." But acting, as we have seen, under a commission issued by recognized "belligerents," that commission, from the very nature of the case, protects, so far as the question of "piracy" and "pirates" is concerned, all and each of the crew, whatever the nationality of any of them may be. Consequently, the mere fact that these privateers were manned, in whole or in part, by British subjects does not render them, in a legal sense, "British pirates," as they have been termed by an eminent American Senator. So far as the *question of "piracy"*

is concerned, *in reference to the matter now under consideration*. those privateers are to be regarded, in all respects, as would be the privateers of any nation with whom we might be at war—Spain, France, Mexico.

It is to be observed, that the formal recognition by Great Britain and other nations, and the practical recognition by our own country, of the Rebel States as “belligerents,” in no manner recognizes them as a *nation*, and has no effect whatever on that question.

Second: Nor are they “British pirates,” or “pirates” in any sense, so far as the present question is concerned, because there is in *point of fact* no port to which their prizes can be taken for trial and adjudication. The independence of the Rebel States and their existence as a nation being nowhere recognized, they cannot take their prizes into any port of any other nation for any purpose; and yet an undoubted rule of National Law, as to vessels captured by privateers, is, that they must be taken into port for trial and adjudication. In this case, the difficulty arises from the fact, not that there are not nominally and theoretically ports, as, for instance, Wilmington and Mobile, to which the prizes might be taken, for in the recognition of the Rebel States as “belligerents” the existence of their ports for the purposes now mentioned is necessarily involved and implied, but the difficulty arises from the fact that those ports are *practically inaccessible*, in consequence of the blockade. Indeed, one case has occurred, in which a prize captured by a Rebel privateer was taken into the port of Charleston and condemned, though it is proper to add that that condemnation was held by an eminent Judge of one of the United States tribunals (Sprague) to be wholly invalid. The Rebel privateers cannot, therefore, be deemed “pirates” or “piratical,” because they do not in fact comply with the rule of the Law of Nations in the respect now mentioned, but, instead thereof, contemporaneously with the capture, burn and destroy the captured vessels and cargoes.

It will be kept in mind that in these observations I speak merely of the legal and technical character of these privateers, and in reference only to the question of the liability of Great Britain for their acts. It is not relevant to advert now to the barbarism of those acts, nor to the inhumanity of any Government, or of any individual subjects of any Government,

who should in any manner give aid or countenance to such revolting deeds of incendiarism and plunder, so repulsive to the spirit of the age and so repugnant to every feeling of Christian civilization. These considerations are appropriate, if at all, in another connection.

Third: As the Government of Great Britain is not liable for the acts of these privateers, on the ground of their alleged piratical character, so it is not liable *to us* by reason of any municipal law of its own.

It has often been said, very loosely, that in the fitting out and despatch of these vessels the British Legislative Act, commonly called "The Foreign Enlistment Act," has been clearly violated, and that for this reason that Government is liable. That act has been made the subject of much comment, and I subjoin a verbatim copy of its material provisions, thus enabling all to read and understand it.\* Doubtless, this act shows

\* Extract from the "Foreign Enlistment Act," 59 Geo. III., chap. 69.—"Section 7. And be it further enacted, that if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty, for that purpose first had and obtained, as aforesaid, equip, furnish, fit out or arm, or procure to be equipped, furnished, fitted out or armed, or shall knowingly aid, assist or be concerned in the equipping, furnishing, fitting out or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state or potentate, or of any foreign colony, province, or part of any province, or people, as a transport or store-ship, or with intent to cruise or commit hostilities against any prince, state or potentate, or against the subjects or citizens of any prince, state or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country with whom His Majesty shall not then be at war; or shall within the United Kingdom or any of His Majesty's dominions, or in any settlement, colony, territory, island or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender shall be convicted, and every such ship or vessel, with the tackle, apparel and furniture, together with all the materials, arms, ammunition and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's customs or excise, or officer of His Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade or navigation, to seize such ships and vessels as aforesaid, and in such places and such manner in which the officers of His Majesty's customs or excise and the officers of His

very clearly what the British Parliament deemed the duty of that nation toward other nations; it gives a most decided and important construction on their part to the "Law of Nations," as applicable to such cases; but, surely, it cannot be urged, as a ground for their liability, that they have failed to execute their own statutes, their own *merely municipal* law, when it is not alleged or pretended that any *treaty* exists requiring its execution. It never can be a just ground of complaint, by one nation against another, that the latter has omitted or refused to carry into effect its own laws. No nation can thus intermeddle with another, or thus interfere in what may well be denominated their "private affairs." I deem it quite unnecessary to dwell further on a proposition so self-evident; and I have adverted to this point only because I have seen, in some publications of respectability, the violation of this statute of Great Britain asserted as a ground of her liability for the acts of these privateers.

Fourth: Nor is she liable on the ground of national "comity."

Majesty's navy are empowered respectively to make seizures under the laws of customs and excise or under the laws of trade and navigation, and that every such ship and vessel, with the tackle, apparel and furniture, together with all the materials, arms, ammunition and stores, which may belong to or be on board of such ship or vessel, may be prosecuted and condemned for any breach of the laws made for the protection of the revenues, customs and excise, or of the laws of trade and navigation.

"Section 8. And be it further enacted, that if any person in any part of the United Kingdom of Great Britain and Ireland, or of any part of His Majesty's dominions beyond the seas, without the leave and license of His Majesty first had and obtained, as aforesaid, shall, by adding to the number of guns of such vessel or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the warlike force of any ship or vessel of war, or cruiser, or other armed vessel which, at the time of her arrival in any part of the United Kingdom or any of His Majesty's dominions, was ship of war, cruiser or armed vessel in the service of any foreign prince, state or potentate, or of any person or persons exercising or assuming to exercise any powers of government in or over any colony, province, or part of any province or people, belonging to the subjects of any such prince, state or potentate, or to the inhabitants of any colony, province, or part of any province or country, under the control of any person or persons so exercising or assuming to exercise the powers of government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine or imprisonment or either of them, at the discretion of the Court before which such offender shall be convicted."

Whatever we might justly have expected of her on this ground, and how much soever her own good and comfort and ours may have been promoted by her exercise on this occasion of that "comity," which, in view of the relations existing between us, might so reasonably have been anticipated, yet a violation merely of "comity" can in no case furnish a legal and authorized ground for a demand of indemnity.

Fifth: Nor is there any ground of liability on the part of the British Government, or any right or power on our part to treat these privateers as pirates, or to require that Government so to treat and consider them, arising out of the Treaty of Paris of 1856, by which privateering, as between the parties to it, was rendered piratical. *We are not parties to that Treaty.*

The matters above stated have, at different times since the breaking out of the Rebellion, been put forth as grounds of liability on the part of Great Britain for the acts of these privateers. I have briefly mentioned them because, in my judgment, they cannot be sustained, and because this matter is fraught with consequences of too much solemnity to justify introducing into its discussion propositions of questionable accuracy.

This subject is, indeed, one of surpassing importance; it affects the pecuniary interests of our citizens to a vast amount (exceeding thirty millions of dollars as is supposed by some,) for which, on legal principles, neither their own Government, nor the Rebel Government, nor the captors are liable. It involves, as before-mentioned, to a greater or less extent, the amicable relations of the two countries; for if that Government is bound to make compensation and declines fulfilling its obligations, the question of peace or war *may* arise.

It is very clear that the Government of the United States could by no means be justified in demanding indemnity of that of Great Britain, except on grounds of fact and law *that could not be justly controverted*. In other words, our Government, before making demand on Great Britain, must be "*clearly right*." However much our Government may sympathize with its citizens in their calamities, and however keenly it may feel the unkindness of the Government and of individual subjects of Great Britain, and however much the moral sense of mankind may be shocked by the savage practices of these privateers,

none of these considerations can be taken into view in determining the present question. Its decision can depend on no statute law of England or of this country; on no treaty to which we are not a party; on no express treaty on the subject between us and Great Britain, as there is none; on no liability of the Rebel Government to comply with the Law of Nations, in reference to the disposition of prizes; on no supposed or real violation of the "comity" due to us from Great Britain; on no considerations of sympathy or humanity: its determination must rest solely *on the Law of Nations*—on that law must the case stand or fall. That law prescribes the duties and the liabilities of neutral nations; as between us and the Rebel Government England has declared herself, and is to be taken to be a neutral, and as such she is bound by that law to the duties it prescribes.

I. The first step is to ascertain and state the *facts*; and as to these there seems to be no room for dispute. For all the purposes of settling the great principle here involved, it is sufficient to present the facts in a single case, and then determine the principles applicable to, and the rule governing, that case: all others similarly situated would be subject to the same rule.

The case I select for the discussion and determination of the question, is that of the Alabama. The facts in that are undeniable and undenied. They are in substance as follows:

(1.) This vessel, originally the gunboat "290" (and so called from the number of British merchants and other British subjects who contributed to her fitting out!), was being fitted out as a *vessel of war*, in Liverpool, in June, 1862.

(2.) Mr. Adams, the Minister of the United States, on the twenty-second of that month addressed a note to Earl Russell, expressly calling the attention of the Government to the fact; and in the same note stated that the *Oreto*, which was fitted out at the same port, and to which Earl Russell's attention had been called on the fifteenth of February, 1862, had sailed from Liverpool on the twenty-second of March, and had gone directly to Nassau and was there completing her armament, provisions, and crew, *for the purpose of depredating on the commerce of the United States, notwithstanding it had been averred by the British officials at Liverpool that her destination was Palermo, and that Earl Russell had so stated to Mr. Adams.*

To show how explicit, direct, and emphatic this note of Mr. Adams's was, I give an extract from it.\*

(3.) Earl Russell, on the fourth day of July, 1862, informed Mr. Adams that there was no attempt on the part of the builders to disguise the fact that the vessel (the "290") was *intended as a vessel of war*; that they did not deny that she had been built for a *foreign government*; but that they did not feel disposed to reply to any questions respecting her destination after she left Liverpool.

(4.) On the twenty-second of July, depositions† were sent to Earl Russell, accompanied by the opinion of Mr. Collier, a reputable English lawyer, that it was the duty of the Government, on that evidence, to detain the vessel, and that the Government of the United States would have good grounds of complaint if she were allowed to escape.

(5.) On the twenty-ninth of July, the vessel sailed, *without register or clearance*.

(6.) On the thirty-first of July, Earl Russell informed Mr. Adams that a delay in determining on the case of the "290" had been caused by the sudden sickness of the Queen's Advocate, incapacitating him for business!!! that this had rendered it necessary to call in other parties, whose opinions had *at last* been given for the *detention* of the vessel; but before the order arrived at Liverpool the vessel was gone.

\* "This vessel has been built and launched from the dock-yard of persons, one of whom is now sitting as a member of the House of Commons, and is fitting out for the especial and manifest purpose of carrying on hostilities at sea. It is about to be commanded by one of the insurgent agents, *the same who sailed in the Orato*. The parties engaged in the enterprise are persons well known at Liverpool to be agents and officers of the insurgents in the United States, the nature and extent of whose labors are well explained in the copy of an intercepted letter which I received from my Government, and had the honor to place in your Lordship's hands a few days ago."—(Diplom. Cor., 128.)

† To show the character of the testimony furnished to Earl Russell, I refer to one of the depositions, that of William Passmore, who, in substance, swore that "he joined the vessel in Laird & Co.'s ship-yard at Birkenhead, and remained on her several days; that there came on board about thirty old men-of-war's men, among whom it was well known that she was going out as a privateer for the Confederate Government, to act against the United States under a commission from Jefferson Davis; that he had been shipped by Captain Butcher to sail on the '290,' with the express understanding that she was going to fight for the Government of the Confederate States."

(7.) On the sixteenth of October, 1862, Earl Russell received further evidence from Mr. Adams of the character of this vessel and the business for which she was intended. In reply to that information, and the accompanying complaints of Mr. Adams, Earl Russell places his justification simply on the ground that "*the foreign enlistment act can be evaded by very subtle contrivances, but that Her Majesty cannot, on that account, go beyond the letter of the existing laws.*"

(8.) Having left Liverpool on the twenty-ninth of July, the vessel sailed to Terceira, in the Azores, and there anchored. She there received from the British bark Agrippina, which had sailed *from the Thames*, the greater portion of her guns and stores; she soon after took on board, from the British steamer, Bahama, which had cleared *from Liverpool* on the twelfth of August, the rebel Captain Semmes, fifty more men, and additional stores. Semmes hoisted the rebel flag, named the vessel the *Alabama*, and with a crew, the greater part of which belonged to the English Naval Reserve, soon afterwards set out on his unhallowed mission.

(9.) All these facts were fully known to the British Government, almost contemporaneously with their occurrence.

(10.) Since her departure from Terceira, the *Alabama* has often cruised for a week at a time, in the aggregate for months, in the British West-Indian waters; she has often been in British West-Indian ports; she was for six days at one time in the port of Kingston, Jamaica. There has not elapsed any one period of forty-eight hours, since her departure from Terceira, when it was not in the power of the British Government to seize and take possession of her. No step for this purpose has ever been taken.

(11.) Within a few days after her departure from Terceira, she commenced her depredations on our commerce, and during the thirteenth months of her career as a privateer, she has destroyed numerous and valuable vessels, with their cargoes, belonging to citizens of the United States, and she is still engaged in her infamous work; all which facts are and were well known to the Government of Great Britain and to all the world.

The facts above stated, except those of public notoriety, have been gathered from official documents.



II. It has already been stated, that the British Government, if liable at all for the losses caused by these depredations, is thus liable only under the *Law of Nations*, and under that head of that law which prescribes the duties and liabilities of neutrals.

The Law of Nations is defined by an eminent writer on that subject\* to be, "the law which determines the rights and regulates the intercourse of independent States, in peace and in war; is founded on custom and implied contract; has sprung up from mutual consent, and is the written law which the consent of nations has established." By this all civilized nations are bound. This law is found in the works of various publicists of admitted authority, and in the decisions of high tribunals here and elsewhere. I shall refer to none that are not universally accredited. The duty of neutral nations, as between belligerents in time of war, is very clearly stated.

Wheaton,† in his "Elements of International Law," (page 697, Ed. of 1863,) thus states the law:

"The neutral is not at liberty to favor one party, to the detriment of the other; it is his duty to be every way careful to do equal and exact justice to both parties.

Phillimore (Commentaries on International Law, vol. 3, p. 181,) says, "The relation of neutrality consists in two principal things, (1.) entire abstinence from any participation in the war; (2.) impartiality of conduct toward both belligerents. It is for the neutral perpetually to recollect, and practically to carry out, the maxim 'that he is an enemy who does *that which pleases the enemy*.'"

Kent (Commentaries, vol. 1, p. 113, fifth Ed.) whose authority is equally respected in Europe and America, says: "A neutral is not to favor one belligerent at the expense of the other."

It would be a work of supererogation to accumulate authorities on this point. All writers on the Law of Nations concur in relation to the duties of neutrals. The rule, as stated above, is found in nearly the same words in Grotius, Book 3, ch. 27;

\* 1. Wildman, Int. Law, p. 1.

† The British Under-Secretary of State for Foreign Affairs, (Mr. Layard,) in a speech in the House of Commons on the twenty-second of February, 1862, said that "Wheaton, as every body knows, has written one of the most valuable treatises on the subject of international law that was ever composed."

Byrkenhook, Book 1, ch. 9; Vattel, Book 3, ch. 7; Azuni, Part II., ch. 1, art. 3. The rule, as thus laid down, will not be questioned; its spirit and substance being, that the neutral shall not do, nor permit any within his jurisdiction to do, any act in behalf of one belligerent that would manifestly and naturally tend to the detriment of the other, or any act which would enable one to do an injury to the other which he could not do were it not for the act of the neutral; the conduct of the neutral must be, not only in form, but in reality and effect, *absolutely impartial*. The rule is, not that the neutral may do acts favoring the one, and, by way of compensation, do similar acts in favor of the other, which he (the neutral) may allege are of equal benefit to the other, for of this he cannot judge and is not authorized to judge. (Vattel, Book 3, ch. 7, 5, 10, 4.) He must not do any act of favor to either which may be the means of injuring the other; and certainly he cannot do an act of favor to the one and then, on the allegation of equalization, do a similar act to the other, *when* the relative circumstances and condition of the two belligerents are such that by no possibility can the act of intended equalization be of equal benefit to the latter, or put it in his power to do an equal detriment to the former.

Such being the rule, do the facts (as above set forth) in the case of the Alabama, show its violation by Great Britain?

III. No one will deny that the fitting out of the Alabama, for the purposes for which she was intended, and to which she was immediately applied, was a direct and palpable act of aid and benefit to the Rebel Government, and of equally direct and palpable detriment to the Government and people of the United States. It was a manifest and clear departure from that "impartiality," as between the belligerents, which "neutral" Great Britain was "bound to adopt;" it was the doing that "which was well pleasing to the enemy;" it was "favoring one party to the detriment of the other." This proposition would seem to be self-evident. But it is pertinent to call to mind an undisputed fact, which gives an unwonted degree of aggravation to this "unneutral" act. Had the Rebel Government been "recognized" as one of the nations of the earth; had it possessed even a single accessible port; had they had a national marine, even if quite insignificant; had they possessed the

means and appliances for building, equipping, supplying, and manning ships, the acts now complained of would have been comparatively innocuous, and, though legally a breach of neutrality, they would practically have been of little detriment. But what was the real state of things in the Rebel States? They were not "recognized" as a nation by a single government on earth; they had no port that was not so blockaded as to render it, to say the least, useless; they had no navy, not even a single vessel of war, or even of commerce; they had no navy-yards for the construction of such vessels; they had no armaments for them, and no place for their manufacture; they had no sailors; they had no national credit, for they had no national name or standing; in fine, they were in a mere "embryo condition, and wholly and absolutely powerless for any offensive, or even defensive, purposes on the ocean—they were utterly destitute of all means or ability for ocean warfare. This is an unexaggerated statement of the real state of things at the time in question; indeed, the total feebleness and helplessness of the Rebels, in the respects just mentioned, cannot be too strongly stated. It was in this state of things and under these circumstances, that they were supplied *in England and from English ports* with all the means and appliances, ships, armaments, men, stores, for commencing and carrying on a *war on the ocean* against the United States and her citizens, and for performing deeds of practical piracy theretofore unknown in Christendom and paralleled only by the acts of the Barbary States in their day of lawless license. This was not *adding* to means already existing—it was *creating* the means *ab origine*; it was literally bringing into existence a power that before did not exist.

It is not pretended that any vessel of war was ever fitted out in, and despatched from, England for the benefit of the United States; but had such been the fact, it is already seen that by the Law of Nations, no such act could take from the acts above stated, in relation to the Alabama, their unneutral character. Had such assistance been offered to the United States, and did international law allow a "neutral" to aid one belligerent and then compensate for it by equivalent aid to the other, no such equivalent could by possibility exist in this case; any such aid would, at the most, have been but an inappreciable addition to our existing means; thus, even then, there would have been a

most palpable and injurious violation of neutral duty. The only possible argument which Great Britain, in that event, could have urged would have been, that by *the acceptance* of such aid, unimportant as it may have been, the United States must be deemed to have *waived* their right to insist on indemnity for such violation by Great Britain. The circumstances (had such an event occurred) may or may not have been such as to render that argument available.

I have thus briefly adverted to this particular matter, simply because it has been repeatedly asserted in England that as much aid has been afforded to the United States as to the Rebels. The fallacy of such an assertion, as an excuse or justification for England, is manifest.

IV. If, for the moment, it should be conceded that Great Britain could not be liable for the fitting out and dispatch of this privateer, unless her Government had, preliminarily to her departure, knowledge or reasonable notice of her objects and intentions, what unprejudiced mind can resist the conclusion, that the facts above stated show full and adequate notice, if not actual knowledge? It is to be observed, that on this great national question, to be judged of as it is, by the rules and principles of that overshadowing law, which governs not one nation but all, and which is above all *municipal* law, the technical and narrow rules applicable to local, territorial law, have no place. As was truly and emphatically said by the Supreme Court of the United States, in its judgment in a case involving great national questions, (*The Hiawatha*, March, 1863,) "the objections taken here might have had weight on the trial of an indictment in a criminal case; but precedents from such sources cannot be received as authoritative in a tribunal administering *public and national law*."

Without repeating the evidence presented to Earl Russell in the case of the *Alabama*, as stated above, it is with entire confidence submitted, that it was superabundant to justify and require her arrest and detention, on the ground of full notice and knowledge on his part. Had the case been in a criminal court in England or America, any impartial Grand Jury in either country could not, on that evidence, have hesitated to find an indictment, so far as the point just mentioned is concerned.

V. It is not a little surprising that Earl Russell, in a letter to

Mr. Adams, of October sixteenth, 1862, assumes, and Mr. Layard, in the House of Commons, on the twenty-second day of February, 1862, asserts, that the only law which enables the British Government to interfere in such cases is "The Foreign Enlistment Act." If, indeed, the acts, or the evidently intended acts, in the case of the Alabama, were a violation of the *Law of Nations*, and were to be judged of by that law, then it may truly be said that there is and can be no nation in Christendom in whose Government does not *inhere* the power and the duty, irrespective of its municipal law, of preventing and punishing such violation. Such power exists *ex necessitate rei* and springs from, and is involved in, the great law of nations, as of individuals—the law of *self-preservation*. The distinguished statesmen who uttered the sentiment just mentioned, must have done so without deliberation; for it is impossible to believe that the peace of Great Britain and the highest interests of humanity can be made to depend on the question, whether means to provide against or prevent a violation by her of the *Law of Nations* depends on the existence or non-existence of a statute of the realm applicable to the case! As on the one hand, we have no right to complain of the non-execution of a municipal law of that country, so, on the other, she cannot excuse herself for a violation of her duties, as a member of the family of nations, on the ground that she has no law on her statute-book affording the appropriate remedy. The only practical benefit of the statute referred to, in regard to the present question, is, as already stated, that it is an emphatic assertion by her legislature of the duties devolved on her by the *Law of Nations*. But even if our rights or her liabilities depended on that statute, it would be an easy task to show that the case of the Alabama came within its spirit and intent, if not within its very letter; but a discussion of that proposition would be idle, for the reasons just given. Burlamaqui, in his Treatise on Natural Law, states the rule truly when he says, "It is *presumed* that a Sovereign knows what his subjects openly commit, and his *power of hindering* the evil is likewise *always presumed*."

VI. Hypothetical cases do not always subserve a useful purpose in argument, but in this instance a case may be supposed

which must, it would seem, carry conviction to every British mind.

The present rebellion against the Government of the United States is an effort to dismember the Republic of the United States; a similar rebellion in Ireland against the Government of Great Britain would be an effort to dismember the Empire of Great Britain: Thus, the object (and the end if successful) of the two rebellions would be identical. The relative position of the Rebel States to the United States and of Ireland to Great Britain are the same, each is part and parcel of the nation to which it belongs; the position of those States and of Ireland is, in every "material" respect, the same; each of them, compared with the nation of which it is a part, is equally inferior in population, naval and military power, armaments, and pecuniary resources; in the incipient period of her supposed rebellion, Ireland would, at the most, be "recognized" only as a "belligerent," and thus they would each be alike in having no "national character." Ireland would have no navy, and no available ports, (as doubtless they would be blockaded as are the rebel ports,) and so, in these respects, again there would be a precise similarity; in the case of the Irish rebellion, we should have the same right to acknowledge her as a "belligerent," and to proclaim our "neutrality," as Great Britain had in reference to the Rebel States. Suppose, then, this Irish rebellion, under circumstances relatively to Great Britain so precisely similar to those of the Rebel States relatively to the United States, and then suppose that privateers were fitted out and despatched from the port of New-York under commission from the Irish Rebel Government, manned, provisioned, and armed in New-York—suppose that those Irish rebel privateers should burn and destroy hundreds of British vessels and their cargoes to the value of millions of pounds sterling, what would all England, from the queen on the throne to the pauper in the workhouse, with one voice exclaim? We need not say. We know that our language can hardly furnish words in which the indignation (and just it would be) of that people would, in such case be expressed. Yet the *existing* case and the *supposed* case admit not of the slightest essential distinction. Who can doubt that, in the supposed case, Great Britain would months ago have resorted to reprisals, if not to war?

VII. In a matter of this momentous import we can have no better guide than the repeated and deliberate precedents of the two Governments. To begin with that of the United States.

That there should have been, as there was, in this country in the latter part of the last century, immediately after the close of the War of Independence, an almost universal feeling of grateful affection for France, was perfectly natural. Notwithstanding the state of the public mind, our duties as neutrals, (as between France and Great Britain,) *springing entirely from the Law of Nations* and *without any statute* on our part, were performed (it may well be said, under the circumstances) in a spirit of lofty devotion to law and duty. In 1793, President Washington instructed the proper officers to prosecute all persons who should violate the Law of Nations in respect to France and England.\* Immediately after this the British minister expressed his *belief* that a vessel—the “Little Sarah”—was fitting out as a French privateer. Proceedings were immediately taken for her seizure, and her armament being found to be such as *might* be used for a privateer, *she was prevented from sailing*. Similar proceedings, *on similar grounds*, were taken against the “Republican.” She was seized and detained, and, with the persons engaged in fitting her out, was delivered over to the proper tribunals.†

Numerous other cases of a similar kind occurred about that period. Mr. Canning, in a speech in Parliament in 1819, commended in the highest terms the conduct of our country at a time when universal popular sentiment rendered it so difficult to observe the obligations of neutrality.‡

At the time of the war between Spain and her revolted colonies in South-America, great as naturally was our sympathy with the latter, numerous vessels which were fitted out in New-Orleans and its vicinity, with the *suspected* object of acting as privateers against Spain, were *seized and detained*, and the parties prosecuted and punished, as will be seen by reference to the history of that period, in that valuable work “*Niles's Register*.”

During the war between the German Confederation and Den-

\* American State Papers. Vol. 1, p. 140.

† Works Jefferson. Vol. 3, p. 386.

‡ 4 Canning's Speeches, p. 152.

mark, (1848,) a war steamer was purchased in New-York by the former; her sailing was objected to by the latter on account of that war; *she was detained* for some time, and *was not permitted to sail* till a satisfactory bond was given that she should not be used against Denmark. This case is fully stated in the Congressional Documents of the first session of thirty-first Congress.

In the Canadian rebellion of 1838, it is a matter of public history that *preventive* measures of the most efficient kind were adopted by our Government to maintain, in spirit and practical effect, our relations of amity with Great Britain. A reference to particular instances would unnecessarily extend this paper; the official records of both countries abound in proofs on the subject. *That* rebellion was regarded by Great Britain very much as *this* is by the United States.

During the Crimean war in 1855, the "Maury," a vessel belonging to a citizen of the United States, was loading in the port of New-York; on an affidavit of a very *imperfect character*, furnished by the British consul on his allegation of *suspicion*, that she was to be used as a Russian privateer, she was *seized and detained*, and her cargo carefully examined. She was released, the consul being fully satisfied of the groundlessness of his suspicions, and he publicly apologized for his conduct. This vessel was being fitted out by a merchant (Mr. Low) of unquestioned standing and integrity, and whose antecedents were without reproach, whereas, the Alabama was being prepared for sea by parties who had *just before* been guilty of gross falsehood and fraud on the British Government in dispatching the Oreto.

In every one of the above instances this Government did precisely what was requested of the British Government by our minister in the case of the Alabama—namely, it applied the requisite *preventive* means; in no case was the testimony more persuasive than that presented in the case of the Alabama.

Great Britain furnishes her share of precedents.

It is a well-known historical fact, that the aid furnished by the subjects of France (not by its Government) to the United States during the war of the Revolution, in the way of fitting out and dispatching vessels and the like, was the ground of a declaration of war by Great Britain against France. The cases are in all respects precisely parallel, in view of the light in which *the colonies were regarded by Great Britain*. That was aid fur-



nished to "revolted colonies"—this is aid furnished to "revolted States;" those "colonies" were weak and powerless on the ocean—these "States" are equally so; *that* aid was *vital* to the "colonies"—*this* is so to the "rebel States." It was the violation of her duties as a "neutral" of which Great Britain complained (and justly) of France; it is the violation of her duties as a neutral of which we now (and equally justly) complain of Great Britain. There is indeed a difference between the ends sought to be attained in the two cases. The "colonies" were struggling to *erect* a beautiful temple of civil liberty—the "rebel States" are striving to *destroy* that very temple.

In 1828, Donna Maria was the recognized sovereign of Portugal. Don Miguel, her uncle, headed a rebellion against the Government and caused himself to be declared king, and succeeded in getting possession of a considerable part of the kingdom. Application was made to the British Government to aid the queen—her uncle being a usurper, as was alleged. That Government refused to interfere, as it was a *domestic quarrel* in Portugal. Terceira, one of the Azores and part of the dominions of Portugal, was then in possession of the queen. Some Portuguese subjects came to England; it was suspected that they came to fit out an expedition against Don Miguel. The Government, deeming that this would be a breach of neutrality, forbade it, and the representative of the queen was notified that no such enterprise could be carried on in England. He stated that the vessels, which were fitting out, were going to Brazil. Four vessels, with several hundred unarmed men on board, sailed from the port of Plymouth. The Government suspected that the vessels were going to Terceira and sent a fleet to watch them and prevent a landing. The four vessels arrived off Terceira; they were fired at by the English commodore and *stopped*. This matter came up in Parliament, and the Government *was sustained* on the ground that the armament was fitted out in a British port; that having been equipped under the pretence of going to Brazil it was not stopped before sailing; and that the Government was therefore bound by the duty of neutrality to prevent by force an armament so equipped from disembarking even in the dominions of the Portuguese queen. This case is fully stated in the third volume of Phillimore.

Similar instances on the part of the United States and of Great

Britain might be adduced, but the above are sufficient for the present purpose.

VIII. It has already been shown, satisfactorily, I trust, that the British Government, prior to the sailing of the *Alabama*, had adequate information of her character and of the object to which she was destined—information on which any prudent man would have acted in the ordinary affairs of life. But, even if the British Government had not such nor any notice, still, according to the well established rules of national law, that Government is liable to answer for the unlawful and anti-neutral acts of her subjects and of all within her jurisdiction.

From the very necessity of the case, every nation must be presumed to have the power to regulate and control the conduct of all within its territorial jurisdiction, and to prevent a violation of its obligations as a neutral and of any of its obligations as a member of the family of nations. Without such rule there would be no safety in international intercourse. Accordingly the Law of Nations declares that a nation is *responsible* for acts of hostility on the part of its subjects towards another nation whose relations with the former are those of peace and amity; and this, necessarily irrespective of the question, whether the nation of which the offending parties are subjects had or had not knowledge of the subjects' acts at the time of their occurrence. All accredited writers on international law, English, American, and Continental, declare this rule, as will be seen by reference to Phillimore, Kent, Grotius, Puffendorf, Wheaton, and Vattel, in their chapters on the duties of neutrals. It follows that, if in truth the fitting out of the *Alabama* and her departure from an English port were a violation of British neutrality, that Government is *liable* for the consequences of the unneutral act, whether done with or without her knowledge.

IX. If that Government had not notice and knowledge of the facts prior to the departure of the *Alabama* from the English port on her hostile mission, and if that ignorance was *then* an excuse, a brief period only elapsed before Great Britain and all the world had conclusive evidence of her character, of the *intention* in fitting her out, of the object to which she was destined, and of the cruel and barbarous manner in which that object was being carried out. In a very short space of time after her departure from Liverpool, the capture and contemporaneous burn-

ing and destruction by her of numerous American vessels and their cargoes was a fact of world-wide notoriety. The horrors of those scenes of vandalism need not be described. In the investigation of so grave a matter as the present, no appeal should be made to imagination or to passion.

Assuming, then, even the absence of all knowledge on the part of the British Government, and of all notice prior to the departure of the vessel from an English port, and assuming—what is not denied—her notorious acts so soon afterwards, it was the clear duty of Great Britain to dispatch a vessel or vessels of war to seize the *Alabama* and arrest her career. The possession of adequate means for that purpose by that Government will not be disputed, and the abundant opportunity to render those means available is equally undeniable. In a very few days that Government could have terminated the inhuman work of that vessel, and saved millions of the property of citizens of the United States from the torch.

That her *opportunities* were manifold, *even in her own ports*, will not be disputed, for to those very ports this privateer resorted, and, instead of being seized and detained, was received with favor and aided in many ways. The very fact just mentioned of her friendly reception in the colonial ports of Great Britain, after her repeated and universally known acts of destruction of the property of our citizens, was in itself a flagrant violation of British neutrality. Her resort to and reception in those ports were in every legal and practical sense identical with a resort to and similar reception at the port of Plymouth or of Liverpool; and, under the circumstances mentioned, it would require but a superficial acquaintance with national law to determine that such a reception would be a grossly anti-neutral act.

But to return to the question of the course which Great Britain was bound by the Law of Nations to have adopted, after full knowledge of the course pursued by the *Alabama*, immediately subsequently to her departure for Liverpool.

The law on this subject was fully discussed, and the duty of Great Britain clearly shown, in the argument in Parliament, (as reported in the British Annual Register for 1829,) in the Portuguese (*Terceira*) case above mentioned. It was then deliberately held to be the duty of that Government, under the

law of nations to take the steps it then took. Such was then, as it was in the present case, the manifest duty of Great Britain, as a member of the family of nations. The two cases differ in no essential particular. Such indeed must from the necessity and nature of the case be the rule of the Law of Nations, for otherwise the duty of the neutral might be wholly unperformed. Her duty in this case, was to *prevent* the departure of the vessel from her ports. She omitted to perform that duty, and thus flagrantly violated neutrality. It was then, on every principle of justice, of reason and common sense as well as of national law, her duty to make all amends in her power for that violation. The effective and easy mode of performing that duty and of exercising a real and an honest neutrality, was "fresh pursuit" and capture of the offender. The "Foreign Enlistment Act," indeed, did not apply to this aspect of the case; but her duties and responsibilities arise from the "higher law." So she insisted, and so we admitted, in the well known case of *McLeod*, during the Canadian rebellion. The difficulty arose in that case from the complex character of our government—the conflicting jurisdictional claims of a "State" and of the "United States," and the inability, under our constitution, of the "United States" judicial tribunals to interfere *in limine* and provisionally with those of a "State." This condition of things led to a long and exciting correspondence between the two governments; but in the course of it, it was on both sides conceded, that inasmuch as the "United States"—not a single "State"—was alone known among nations, on them rested all the responsibility of conducting foreign affairs, and that their want of power, arising from the cause just stated, in no manner justified or excused an act done in or by a "State" or its citizens in violation of the Law of Nations; that any nation recognized by others as a nation must be held to possess power requisite to punish infringements on the rights of other nations. The whole history of this case will be found in the 5th volume of *Hill's Reports of Cases in the Supreme Court of New-York*, and also in the 2d, 5th, 6th, and 7th volumes of *Mr. Webster's Works*. It is scarcely necessary to accumulate authorities in support of this proposition. The common reason of mankind declares, as do all writers on the subject, that such is and must be the rule of international law. This brief peti-

and must be the rule of international law. This brief repetition of this principle, which I have already once stated, may be excused on the ground of the extraordinary position taken, as above mentioned, by Earl Russell and Mr. Layard.

X. We must be careful not to confound the present case with that of the subjects or citizens of a neutral State holding ordinary commercial intercourse with one of the belligerents and dealing commercially with that belligerent. It is on all hands admitted, that the subject of a neutral may have transactions, *on their face and in intent commercial*, with a belligerent; he may buy and sell without a national violation of neutrality, but at the *risk* of the capture and consequent loss of his property, as many British subjects have learned at the expense of their financial ruin; but never, in the history of Great Britain or of the United States, or of any other civilized people for the last one hundred years, has it been doubted that the fitting out and dispatch, from the ports of a neutral nation, of vessels of war *intended* to commit acts of hostility on one of the belligerents, was a palpable violation of the duty of the neutral and a clear infraction of the Law of Nations. The doctrine above stated is fully sustained by the judgment of the Supreme Court of the United States, in the case of *The United States vs. Quincy*, 6 Peters' Reports, 445, and in the case of the *Gran Para*, 7 Wheaton Reports, 471. The decisions of that court on questions of national law, especially in the time of Marshall, are of high authority everywhere. Indeed, these cases only re-affirm the law as stated by all writers on the subject. It could, of course, make no difference in principle whether the vessel was dispatched, after being partly or *wholly fitted out*, from a port of a neutral, or whether it was dispatched from one port and fitted out in whole or in part in another port of the same neutral. The latter has been the actual fact in reference to some, if not all, the rebel privateers sent from England. Nor would the rule be different if the vessel intended for hostile purposes was dispatched from the neutral port and then fitted out partly or wholly even in the port of *another* nation. Most emphatically would the rule apply in the present case, where the party aided was utterly weak and helpless as a naval power, and could

have committed no act of hostility whatever on the ocean, except through the aid thus furnished by the neutral.

The case of the *Alexandra* was tried a few weeks since in an English court. The judge who presided on the trial instructed the jury "that a neutral had a right to supply ships to one of the belligerents," and after that instruction, added, by way of *salvo*, "that if the jury thought the object was to furnish, fit out, equip, and arm the vessel at Liverpool, that was a different matter; but if they thought the object was to build a ship in obedience to an order in compliance with a contract, leaving those who bought it to use it *as they saw fit*, it was not, in his judgment, a breach of the Foreign Enlistment Act, or of international law." In other words, if the jury were satisfied that it was built for a rebel owner and with the intent to use it as a rebel privateer, it was no violation of any law—that is, it was not such a violation if he (the rebel or his agent) had made a contract for the building and it was built pursuant to his order; that then it could be lawfully delivered to him, though the whole world knew that "the use he saw fit to put it to" was that of a privateer to depredate on the commerce of a friendly nation. It is no wonder that under such an instruction, a Liverpool jury found "in favor of the ship and her builders."

That case, on the evidence, presented a clear violation of the Law of Nations, as shown by the authorities and precedents above mentioned, and it is referred to chiefly for the purpose of stating another rule of the Law of Nations, namely, that it is no protection or justification to any nation, when its violation of neutral duties is complained of, that its own tribunals have decided in its favor. No proposition can be clearer than that the Law of Nations is superior to and overrides all municipal law, whether in the form of statutes or of the judgments of courts.

XI. Many more references to elementary writers and to adjudged cases on the Law of Nations might be made; but sufficient authority, it is believed, has already been adduced, and its applicability sufficiently shown, to satisfy intelligent and impartial minds that Great Britain, in the case of the *Alabama*, has violated her obligations of neutrality to the United States. This point being established, it will not be disputed that the

Law of Nations imposes on her the consequent duty of reparation. That reparation can be made only by the payment of the pecuniary losses sustained by our citizens in consequence of that violation of neutrality.

It is the duty of the Government of the United States to its injured citizens to present to the Government of Great Britain their claims duly authenticated. Much, if not most, of the evidence to establish the circumstances under which the Alabama was dispatched from England, (and thus to show in that act the alleged violation of neutrality,) has already been presented to the British Government. The subsequent conduct of that vessel on the ocean is a matter known to all; her frequent visits to British ports and the succor she has there received are facts equally well known; the entire omission of that Government to prevent her original departure, or to arrest her at her colonial ports, or to pursue her at all, is admitted. If to all this is added satisfactory evidence, in each individual instance, of the loss sustained, the case is fully prepared for presentation to the British Government and for a contemporaneous application for indemnity. The people of England will then have the opportunity of demonstrating to the world that they are, as they have with honorable pride always claimed to be, a law-loving and a law-abiding people; they will be able practically to illustrate the great precept of that Christian faith, which they and we profess: "As ye would that men should do unto you, do ye also to them likewise."

It is not to be presumed that, on a proper and respectful presentation of the case, that Government will falter in the performance of its duty. Should such unfortunately be the result, and should indemnity be refused, an amicable (and not an unusual) mode of adjusting the controversy would be its submission to the arbitrament of an impartial and mutually friendly nation. The United States may decline making such a proposal, on the ground (often taken in private life) that the case is too clear for submission. If made, Great Britain may decline it. In that event, and in the event of continued refusal to make compensation, the Law of Nations points out very clearly the remedy, which our Government would have the *right* to adopt, namely, the issuing of letters of marque and

reprisal, or a declaration of war. The question of the *actual* adoption of any remedy would be considered by our Government with all the deliberation and conscientiousness which its magnitude requires.

XII. It cannot be doubted that the acts of the British Government, and of many British subjects, since the inauguration of the rebellion, have been universally regarded here as, to say the least, exceedingly unfriendly. It was very naturally supposed that the ties of a common origin, a common language, and a common religion, bound England and the United States together in the bonds of an indissoluble friendship, and when our *nationality* was attacked, and our Republic sought to be dismembered and overthrown, as it was by this rebellion, it was a pervading belief in this country that we should have at least the sympathy and kind feeling of England. Her "material" aid we never required, and it will never be solicited. But greatly have we been disappointed that we have not had that sympathy and kindness. On the contrary, no man, whether friend or foe of the States in rebellion, can for a moment doubt that without the countenance given to those States by the Government of Great Britain, and the aid furnished to them by her subjects, the rebellion would long since have tottered to its fall—a shocking waste of valuable life, and an enormous expenditure of material means would have been prevented. Indeed, Great Britain's recognition of those States as "belligerents," and her concomitant proclamation of neutrality, to say nothing of any subsequent acts of that Government or her people, may with exact truth be said to have been an *indispensable ingredient in the VITALITY* of those States, without which they would have had an inglorious existence of but a few brief months, and then have sunk forever into a dishonored grave.

Whatever may be thought of the merits or demerits of slavery, it cannot be denied that this country has been greatly astonished at the inconsistency and insincerity of the British Government and many of the people of England,\* in giving their

\*The nobility of England, as a class, have decidedly sympathized with and favored the rebellion. It may be well for these gentlemen to consider whether there is any truth in the sentiment expressed in a late number of the *London Review*, that any one who knew what lies beneath the surface of European society must be aware that the spirit of republican liberty is a snake that has been scotched—not



sympathy, countenance, and (as shown above) their efficient aid, to a combination of persons associated for the purpose of establishing a government whose "corner-stone" is "*slavery*," as they uniformly declare, and as was distinctly stated on a grave public occasion, by their favorite chief, Alexander H. Stephens.

When it is remembered that, ever since the final triumph of Wilberforce in 1833,\* that government and the people of Eng-

land killed. Indeed, no man can doubt that the "heaven" of the American and the French Revolutions is continually and powerfully, though silently, "working." It would be well for them also to consider how long, in the present day of intelligent and independent thought, a system wholly artificial and unnatural, by the fundamental rules of which the mere *accident* of birth, irrespective wholly of mental or of moral merit, places *forever* the *few* in an exalted social and (so far as an important legislative power is concerned) political position, and equally places *forever* the *many* in a position of inferiority and comparative degradation—they may well, I say, consider how long such a system is likely to endure. Especially should they so consider, when a large and influential part of the "Home" Empire of Great Britain is ready for revolt at any moment, and when multitudes of the people, even of England herself, are restive under the oppressive burden of taxation and those iron rules of social and political exclusiveness. The voice of friendship might well warn those gentlemen to beware how they lend their aid, and countenance, and sympathy, to an unspeakably wicked attempt to destroy the only Government on earth (with one or two trifling exceptions) where the "people" are in form and in fact sovereign—a Government which has had and still has the enthusiastic admiration of multitudes of poets, orators, statesmen, and heroes in every country in the civilized world, and which has at this moment millions of friends, nay, "lovers," in England, Scotland, Ireland, and on the Continent. The American people are not propagandists—they desire not that any other people should adopt their form of Government—but they themselves adhere to it with a death-like tenacity. In the event of a war with England, arising from or necessitated by an inimical and unjust interference on her part, in *any manner* in our *domestic* affairs, the whole people of the United States would rush as one man, and with an universal, intense, and, it may with truth be said, a furious enthusiasm to defend the hallowed flag of their country against FOREIGN insult or attack. No "conscription" laws would then be necessary—every citizen would be of his own accord a *soldier*. In that event, though great would be the calamity to us, we believe, nay, we *know*, that our Republic would come out of the contest (as it will out of this rebellion) "purified as it were by fire," and fixed "on foundations that cannot be shaken." Whereas, it would not be the strangest of historical events that *such* a contest, in connection with her domestic condition, should result in any thing but an addition of strength and power to the British monarchy.

\* Thirty years ago, Wilberforce said, "Thank God that I should have lived to witness a day in which England is willing to give twenty millions sterling for the *abolition of slavery*." Such was then and such has ever since been (*until this rebellion*) the *professed* sentiment of England and her people.

land, individually and collectively, have been in every possible manner the advocates of "*slavery abolition*," and have in fact effected that abolition in nearly the whole world, excepting in the American States now in revolt against their country and their government, it is not unnatural that this astonishment (if no stronger feeling) should universally prevail. We entertain it in common with all Continental Europe,\* and (happily it can be said) with thousands of England's worthiest subjects. I speak not now of slavery or anti-slavery—that matter is wholly foreign to this discussion—but merely of the surprising and melancholy exhibition England has made in this regard to the world. The whole American people have been accustomed to look on the Queen of England with a feeling bordering on affection; they fully believe in her humane and Christian character, and, so believing, they doubt not that she will hereafter regret in earnest bitterness that she yielded to the counsels of her ministers in the issuing the proclamation of "recognition" and of "neutrality," whose direct and undoubted effect has been to prolong this revolting civil war and to add ten, nay, an hundred, fold to its horrors.

But these matters do not affect the question under consideration, and they are alluded to only for the purpose of showing that we have much cause of complaint, which, though not a violation of the Law of Nations and not entitling us to reclamation, would naturally render us more tenacious in requiring of Great Britain the performance of her neutral duties, and, in the event of their violation, in asking the indemnity provided by that Law.

It is perhaps needless to add that the principles and reasonings applicable to the case of the *Alabama* apply alike to all the cases of rebel privateers fitted out at and dispatched from any British port, or *despatched* from one British port and fitted out partially or wholly at another or elsewhere.†

\* In view of all this, the distinguished Frenchman Emile de Girardin has recently said, with equal wit and truth, that "England is a mistake."

Another equally eminent Frenchman, De Gasparin, in his "Uprising of a Great People," and his "America before Europe," has administered to England some of the most telling rebukes to be found in any language. The government of that country could not make a more beneficent expenditure of money than to gratuitously circulate tens of thousands of copies of these works among her people.

† I subjoin, by way of appendix to this paper, a list of our vessels captured by

I have endeavored to discuss this question simply on its legal merits, and without appeals to passion or prejudice. My object was merely to demonstrate that the law of nations entitles us to indemnity. The earnest hope is cherished by every American citizen that a satisfactory adjustment of our claims on this occasion will be made; that thereby much of the acerbity of feeling now existing would disappear, and that the peace of these two nations would, not only in form but in reality, be continued and be perpetuated.

NEW-YORK, October 16, 1863.

rebel privateers, prepared by Captain J. H. Upton, Secretary of the "American Shipmasters' Association," for which he deserves the thanks of his countrymen. The sight of such a list must cause a thrill of horror in every American heart, indeed, in every heart, not lost to all sentiments of honor, humanity, and civilization. I say this, because of the enormity, in a moral and practical point of view, of the acts of these privateers; they are in every *practical* sense worse than *piratical*. To say nothing of the infamous means so often adopted to lure their victims to destruction, they war solely on individuals, without even a pretence that their acts in any degree injure the "United States" as a people, or benefit the "Rebel Confederacy" as such; and, what is more, *the privateersmen themselves individually are in no manner benefited*, for the vessels and cargoes taken are, contemporaneously with their capture, *consigned to the flames*. Thus they have not even the apology of professed "pirates." Their work, consequently, is a work of purely wanton destruction, unmitigated in its barbarism, and must of necessity shock every one whose moral sense has not ceased to be a living power.

## (APPENDIX.)

## ALPHABETICAL LIST OF VESSELS CAPTURED BY REBEL PRIVATEERS.

Reported up to October 1st, 1863, with Name of Master, Port of Clearance, Destination, Date, Place of Capture and Tonnage.

[PREPARED BY CAPT. I. E. UPTON, SECRETARY AMER. SHIPMASTERS' ASSOCIATION, FOR HUNT'S MERCHANTS' MAGAZINE.]

Vessel.	Master.	Where from.	Where to.	Date.	Captured by.	Tonn.
Admiral Blake, schr.	Cousins.	Cuba.	New-York.	1862.	Steamer Alabama, off the Flores.	200
Albert Adams, brig.		Savannah.	New-York.	July 3, 1861.	Steamer Sumter.	192
A. B. Thompson, ship.	J. M. Small.			1861.	Off Port Royal, S. C.	800
Alert, bark.	Church.	New-London.	Hurd's Island.	1862.	Steamer Alabama, off the Flores.	391
Altamaha, brig.		Sippican.	Atlantic Ocean.	1862.	" "	300
Aldebaran, schr.	Hand.	New-York.	Maranham.	March, 1863.	Steamer Florida.	187
Alleghanian, ship.	Barstow.	Baltimore.	London.	1862.	Destroyed by Rebels off the Rappahannock.	1,142
Arcade, schr.	Smith.	Portland.	Guadaloupe.	January, 1861.	Steamer Sumter.	200
Ariel, steamer.	Jones.	New-York.	Aspinwall.	Dec., 1862.	Steamer Alabama.	1,296
Alvarado, bark.		Capetown.	Boston.	June, 1861.	Steamer Sumter.	299
Alfred H. Partridge, schr.		Gloucester.	Fishing on Banks.	June 7, 1863.	Privateer Tacony.	200
Ada, schr.		Gloucester.	Fishing on Banks.	June 23, 1863.	" "	200
Arabella, brig.	Conover.	Gloucester.	Fishing on Banks.	June 7, 1863.	" "	300
Archer, schr.		Gloucester.	Fishing on Banks.	June 12, 1863.	" "	200
Anazonian, bark.	Lorland.	New-York.	Montevideo.	June 2, 1863.	Alabama, lat. 11.15, lon. 34.30.	481
Anglo-Saxon, ship.	Caverly.	Liverpool.	New-York.		Off Rio, (bonded).	868
Alliance, schr.		Philadelphia.	Port Royal.		Alabama, off Rio, (bonded).	190
Anna F. Schmidt, ship.		St. Thomas.	San Francisco.		"	784
Atlanta, ship.	Merrill.	Montevideo.	Chincha Islands.		"	699
Benj. Dunning, brig.	Farney.		Havana.	July 3, 1861.	Steamer Sumter.	284
B. F. Martin, brig.	French.	Philadelphia.		June 16, 1861.	"	293
Benj. Tucker, ship.	Childs.	New-Bedford.	Whaling.	1862.	Steamer Alabama, off the Flores.	800
Brilliant, ship.		New-York.	Liverpool.	October 3, 1862.	" " lat. 40, lon. 50.30.	839
Betsy Ames, brig.	George Hagar.			1863.	" "	265
Bethiah Thayer, ship.	Fendleton.	Callao.	Nantes.	1862.	" "	896

Vessels.	Master.	Where from.	Where to.	Date.	Captured by.	Tons.
Baron de Castine, brig.	C. W. Haskell.	.....	.....	1862.....	Steamer Alabama, lat. 39 N., lon. 69 W., (bond).	267
Boston, tug.	Tibbets.	.....	New-Orleans	June 9, 1863.	Rebels, at mouth of Mississippi.	100
Byzantium, ship.	Robinson	London.	New-York.	June 16, 1863.	Privateer Tacony, lat. 41, lon. 69.10.	800
B. F. Hoxie, ship.	.....	Magattan.	Falmouth.	June 16, 1863.	Florida, lat. 12 N., lon. 80 W.	1,387
California, bark.	S. Hawthorne.	St. Thomas.	Cork.	1861.....	Steamer Sumter.	299
Cuba, brig.	J. G. Foster.	New-York.	Vera Cruz.	July 1, 1861.	"	199
Chastelain, brig.	Handy.	Guadaloupe	Cienfuegos	Jan. 27, 1863.	Steamer Sumter, off Altwela Rock.	293
Courser, schr.	Smith	Provincetown.	Whaling	1863.....	Steamer Alabama.	200
Crenshaw, schr.	Nelson.	New-York.	Glasgow.	Oct. 26, 1862.	" lat. 40 N., lon. 65 W.	278
Corris, Ann, brig.	Small	Philadelphia.	Cardenas.	Jan. 22, 1863.	Steamer Florida.	236
Castine, ship.	McLellan.	Callao.	England.	Jan. 26, 1863.	"	962
Commonwealth, ship.	.....	New-York.	San Francisco.	1863.....	Steamer Alabama, lat. 30 S., lon. 30.25 W.	1,245
Charles Hill, ship.	Percival.	Liverpool.	Montevideo.	April, 1863.	"	699
Clarence, brig.	Phinney	Bahia.	Baltimore.	1863.....	Steamer Florida.	263
Crown Point, ship.	John N. Geit	New-York.	San Francisco.	1863.....	Georgia, lat. 7 S., long 74.	1,098
City of Bath, ship.	Cooper.	Callao.	Antwerp.	June 28, 1863.	"	738
Constitution, ship.	Webster.	Philadelphia.	Valparaiso.	June 26, 1863.	Georgia, lat. 21 S., lon. 29.10, (bonded).	997
Commonwealth, bark.	Salsbue.	New-York.	San Francisco.	April 17, 1863.	Florida, lat. 20 S., lon. 81 E.	300
Conrad, bark.	Moloney	Montevideo	New-York	.....	Alabama.	347
D. C. Pierce, bark.	Quais	Remedios.	England	June, 1861.	Privateer Jeff Davis.	396
Daniel Trowbridge, schr.	W. H. Morrow.	New-York.	Demerara.	1861.....	Steamer Sumter.	200
Dunkirk, brig.	Johnson	New-York.	Lisbon	October, 1862.	Steamer Alabama, lat. 40.30, lon. 64.20.	298
Dorcas Prince, ship.	Melcher	New-York.	Shanghai.	1863.....	"	699
Dictator, ship.	Phillips.	Liverpool.	Hong Kong	1863.....	Georgia, lat. 25 N., lon. 21.40 W.	1,293
Elizabeth Ann, schr.	Thomas.	Gloucester	Fishing.	June 22, 1863.	Privateer Tacony.	200
Ella, schr.	Warren.	Tampico	New-York.	1861.....	Privateer Jeff Davis.	92
Emily Fisher, brig.	Staples.	St. Jago	Guantanamo.	March, 1863.	Retribution.	230
Eben Dodge, bark.	Foxie	New-Bedford	Whaling	1861.....	Steamer Sumter.	300
Enchantress, schr.	Devereux	Boston.	St. Jago de Cuba.	July 13, 1851.	Privateer Jeff Davis.	200
Elisha Dunbar, bark.	David R. Gifford.	New-Bedford	Whaling	1862.....	Steamer Alabama, lat. 39.50, lon. 35.20.	300
Estella, brig.	Brown.	Manzanilla.	Boston	Jan. 17, 1863.	Steamer Florida, lat. 23.50, lon. 34.17.	300
Express, ship.	.....	Callao	Antwerp.	1863.....	Alabama, off Rio	1,072
Florence, schr.	Gardner.	Gloucester.	.....	1863.....	Tacony, (bonded)	200

Vessels.	Master.	Where from.	Where to.	Date.	Captured by.	Tons.
Francis B. Cutting, ship.	.....	Liverpool.....	New-York.....	Aug. 6, 1863.	Florida, lat. 41.10, lon. 44.20, (bonded).	796
F. W. Seaver, bark.	Snow.....	Boston.....	Hong Kong.....	June 22, 1863.	Georgia, (bonded).	340
Glen, bark.	Holmes.....	Philadelphia.....	Tortugas.....	July, 1861.....	Steamer Sumter.....	287
Golden Rocket, ship.	Pendleton.....	Havana.....	Cienfuegos.....	July 16, 1861.....	".....	608
Golden Eagle, ship.	Swift.....	Howland's Island.....	Queenstown.....	1863.....	Steamer Alabama, lat. 29 N., lon. 45 W.....	1,273
Golden Rule, bark.	P. H. Whiteberry.....	New-York.....	Aspinwall.....	Jan. 26, 1863.....	".....	250
Goodspeed, bark.	J. L. Dunton.....	Londonderry.....	New-York.....	June 21, 1863.....	Privateer Tacony.....	300
Golden Rod, schr.	Bishop.....	Holmes' Hole.....	Chesapeake Bay.....	.....	Georgia, (bonded).	1,280
Geo. Griswold, ship.	Pettengill.....	Cardiff.....	Callao.....	June 18, 1863.....	".....	436
Good Hope, bark.	Gordon.....	Boston.....	Algoa Bay.....	June 22, 1863.....	Privateer Retribution.....	200
Hanover, schr.	Case.....	Boston.....	Aux Cayes.....	Jan. 31, 1863.....	Steamer Alabama.....	299
Harriet Spaulding, bark.	Peabody.....	New-York.....	Havre.....	Nov. 18, 1863.....	Privateer Winslow.....	200
Herbert, schr.	Martin.....	.....	.....	July 18, 1861.....	Steamer Sumter.....	235
Henry Nutt, schr.	Burnett.....	Key West.....	Philadelphia.....	August, 1861.....	".....	149
Hannah Balch, brig.	Matthews.....	Cardenas.....	Boston.....	July 6, 1862.....	Steamer Alabama, off Galveston, Texas.....	800
Hatteras, gunboat.	Blake.....	Galveston.....	Blockade.....	Jan. 13, 1863.....	Steamer Nashville.....	800
Harvey Birch, ship.	Nelson.....	Havre.....	New-York.....	Nov. 19, 1862.....	Steamer Alabama.....	437
Henrietta, bark.	Brown.....	Baltimore.....	Rio Janeiro.....	1863.....	Steamer Winslow.....	300
Itasca, brig.	Conley.....	Nuevitas.....	New-York.....	Aug. 4, 1861.....	Tacony, lat. 40.35, lon. 68.46, (bonded).	1,300
Isaac Webb, ship.	Hutchison.....	Liverpool.....	New-York.....	June 20, 1863.....	Alabama, lat. 12 S., lon. 84 W.....	1,070
Ibez Snow, ship.	Ginn.....	New-York.....	Montevideo.....	May 25, 1863.....	Steamer Sumter.....	300
Joseph Parks, brig.	.....	Fernambuco.....	New-York.....	Dec. 1861.....	".....	295
Joseph Maxwell, bark.	.....	Philadelphia.....	Laguayra.....	June 16, 1861.....	Calhoun.....	100
John Adams, schr.	C. B. Averal.....	Provincetown.....	Wailing.....	May, 1861.....	Privateer Jeff. Davis.....	200
J. R. Watson, schr.	Elbridge.....	New-York.....	Falmouth, Eng.....	July 13, 1861.....	Steamer Alabama.....	275
John Welsh, brig.	Field.....	Trinidad.....	Buenos Ayres.....	March 2, 1863.....	Retribution.....	1,050
John A. Park, ship.	Cooper.....	New-York.....	Cienfuegos.....	Jan. 10, 1863.....	Steamer Florida, lat. 24, lon. 65.....	237
J. P. Elliott, brig.	Devereaux.....	Boston.....	New-York.....	Feb. 12, 1863.....	Steamer Sumter.....	1,882
Jacob Bell, ship.	Frisbee.....	Foochow.....	New-York.....	1861.....	Privateer Savannah.....	800
J. S. Harris, ship.	G. W. Collier.....	Cuba.....	Philadelphia.....	June 15, 1861.....	Steamer Alabama, lat. 12 S., lon. 35.30, (bonded).	171
Joseph, brig.	Myers.....	Cardenas.....	New-York.....	May 25, 1863.....	Steamer Florida, lat. 37.10, lon. 75.04, (bonded).	400
Justina, bark.	Miller.....	Rio Janeiro.....	Philadelphia.....	1863.....		607
Kate Stewart, schr.	W. B. Wood.....	.....	.....	.....		

Vessels.	Master.	Where from.	Where to.	Date.	Captured by.	Tons.
Kate Dyer, ship.	A. Dyer.	Callao.	Antwerp.	June 17, 1863.	Lapwing, (bonded).	1,278
Kate Cory, brig.	Flanders.	Westport.	Whaling.	1863.	Steamer Alabama.	125
Kingfisher, schr.	Lambert.	Fairhaven.	Whaling.	1863.	"	125
Lafayette, bark.	Lewis.	New-Bedford.	Whaling.	1863.	"	300
Louisa Hatch, ship.	Grant.	Cardiff.	Singapore.	1863.	"	835
Louisa Kilham, bark.	White.	Cienfuegos.	Falmouth, Eng.	July 20, 1861.	Steamer Sumter.	463
Levi Starbuck, ship.	McMellen.	New-Bedford.	Whaling.	Nov. 2, 1862.	Steamer Alabama, lat. 35.30, lon. 66.	376
Lafayette, ship.	Small.	New-York.	Belfast, Ireland.	Oct. 23, 1862.	" lat. 40 N., lon. 64 W.	943
Lampighter, bark.	Harding.	New-York.	Gibraltar.	Oct. 15, 1862.	" lat. 41.30 S., lon. 59.17 W.	279
Lauretta, bark.	Wells.	New-York.	Messina.	Oct. 28, 1862.	" lat. 39.45 N., lon. 68 W.	284
Lydia Frances, brig.	Campbell.	Boston.	Batavia.	June 15, 1862.	Off Hatteras.	262
Lapwing, bark.	Bolger.	New-York.	New-Orleans.	March 27, 1863.	Steamer Florida, lat. 31, lon. 62.	590
Lenox, bark.	Seth Cole.	New-York.	Fishing.	June 12, 1863.	Boston, at mouth of Mississippi.	370
L. A. Macomber.	Potter.	Noank.	Fishing.	June 20, 1863.	Privateer Tacony.	200
Marengo, schr.	Freeman.	Gloucester.	Fishing.	June 22, 1863.	"	200
Manchester, ship.	Landarkin.	New-York.	Liverpool.	Oct. 11, 1862.	Steamer Alabama, lat. 41.25, lon. 55.50.	1,075
Machias, brig.	Shopey.	Rio Janeiro.	Baltimore.	July 28, 1862.	Steamer Sumter.	250
Monticello, brig.	Hopkins.	Havener.	Whaling.	July 1, 1862.	Privateer St. Nicholas.	300
Mary E. Thompson, brig.	Soper.	Provincetown.	Washington.	July 9, 1862.	Privateer Echo.	210
Mermaid, schr.	Dodge.	Boston.	Whaling.	May 1862.	Privateer Calhoun.	200
Mary Pierce, schr.	Hansen.	New-York.	Washington.	July 1, 1862.	Privateer St. Nicholas.	192
Margaret, schr.	McGillivray.	New-York.	Cape Town, C.G.H.	June, 1862.	"	206
M. J. Colcord, bark.	Rufus Harriman.	New-York.	Cape Town, C.G.H.	July 9, 1862.	Privateer Echo.	200
Morning Star, ship.	Burgess.	Calcutta.	London.	March 30, 1863.	Steamer Florida, lat. 28, lon. 33.	374
Mary Alice, schr.	Walsh.	Porto Rico.	New-York.	April 8, 1863.	Steamer Alabama, lat. 2 N.	1,105
Mary Alvina, brig.	Crobbich.	Boston.	New-Orleans.	July, 1861.	Steamer Winslow.	181
M. A. Shindler, schr.	Wm. Ireland.	Port Royal.	Philadelphia.	1863.	Steamer Florida, lat. 34.25 N., lon. 74.23	266
Martha Wenzell, bark.	Chase.	Akyab.	Falmouth.	June 12, 1863.	" lat. 37.18, lon. 75.4.	299
Naiaid, brig.	Chase.	Messina.	Boston.	July, 1861.	Alabama, False Bay, (Released).	578
Neapolitan, bark.	Burdett.	New-York.	Antigua.	Feb., 1861.	Steamer Sumter.	300
N. Chase, schr.	Doane.	Liverpool.	Calcutta.	Sept., 1861.	"	322
Nora, ship.	Adams.	Liverpool.	Calcutta.	1863.	Steamer Alabama.	150
						800

Vessels.	Master.	Where from.	Where to.	Date.	Captured by.	Tons.
Nye, bark.	Barker.	New-Bedford.	Whaling.	1863.	Steamer Alabama.	300
Ocmulgee, ship.	Osborne.	Edgartown.	Whaling.	Feb. 21, 1863.	" " off the Flores.	300
Ocean Rover, ship.	Clark.	Matapoisett.	Whaling.	1863.	" " "	766
Oliver Jane, bark.	Kallock.	Bordeaux.	New-York.	Feb. 21, 1863.	" " "	300
Ocean Eagle.	Lucas.	Rockland.	New-Orleans.	1861.	Steamer Sumter.	290
Oneida, ship.	Potter.	Shanghai.	New-York.	1863.	Steamer Alabama, lat. 1.40 S, lon. 29 W.	420
Oceola, bark.				1862.	" " off the Flores.	300
Ocean Cruiser, schr.				1862.	" " "	200
Punjaub, ship.	Miller.	Calcutta.	Liverpool.	March 14, 1863.	" " "	760
Parker Cook, bark.	Fulton.	Boston.	Aux Cayes.	Nov. 30, 1862.	" " lat. 18.30.	185
Protector, schr.	J. Clark.	Cuba.	Philadelphia.	June, 1861.	Privateer Calhoun.	200
Panama, brig.	Cook.	Provincetown.	Whaling.	May 29, 1861.	Privateer Winslow.	153
Priscilla, schr.	Crowther.	Curacao.	Baltimore.	July, 1862.	Steamer Alabama.	144
Palmetto, schr.	Morse.	New-York.	Porto Rico.	Feb. 27, 1863.	Georgia, (bonded).	172
Prince of Wales, ship.	Smith.	Callao.	Antwerp.	June 22, 1863.	Privateer Tacony.	960
Rufus Choate, schr.	Smith.	Gloucester.	Fishing.	June 22, 1863.	Privateer Jeff. Davis.	200
Rovena, bark.	Wilson.	Laguayra.	Philadelphia.	June, 1861.	Steamer Nashville.	340
Robert Gillilan, schr.	Smith.	Philadelphia.	St. Domingo.	June 22, 1863.	Privateer Tacony.	240
Ripple, schr.	Gearing.	Gloucester.	Fishing.	July 7, 1863.	Florida.	200
Reiwig, schr.	Avery.	Provincetown.	Fishing.	May 26, 1863.	" lat. 29.23, lon. 36 W.	95
Red Gauntlet, ship.	Howes.	Buena Vista.	New-York.	July 15, 1863.	Privateer Jeff. Davis.	1,038
S. J. Waring, schr.	Smith.	New-York.	Buenos Ayres.	1862.	Steamer Alabama, off the Flores.	372
Starlight, schr.	Whittemore.			1863.	Steamer Florida.	205
Star of Peace, ship.	Hinckley.	Calcutta.	Boston.	1863.	Steamer Sumter.	941
Sebasticock, ship.	Chase.	Liverpool.	Charleston.	1861.	" " "	549
Santa Clara, brig.	C. Jordonson.	Porto Rico.	Boston.	1861.	Steamer Alabama.	189
S. Gildersleeve, ship.	McCullum.	Sunderland.	Calcutta.	1863.	By rebels, at the mouth of Neuse River.	100
Sea Bird, schr.	Scott.	Philadelphia.	Newbern.	1861.	" " "	200
Sea Witch, schr.	W. Egbert.	Baracoa.	New-York.	June 24, 1863.	Privateer Tacony, lat 43.10, lon. 68.4.	200
Shattomuc, ship.	Peck.	Liverpool.	Boston.	May 8, 1863.	Steamer Alabama, lat. 9.35 S, lon. 31.20 W.	974
Sea Lark, ship.	R. Lucas.	Boston.	San Francisco.	June 3, 1863.	Florida, lat. 40 N, lon. 68 W, (bonded).	1,174
Saurise, ship.	R. Lucas.	New-York.	Liverpool.	June 3, 1863.	" lat 34 S, lon. 36 W.	1,174
Southern Cross, ship.	Lucas.	Boston.	Hay Kay.	June 3, 1863.		1,174



Vessels.	Master.	Where from.	Where to.	Date.	Captured by.	Tons.
Santee, ship.	Parker.	Akyab.	Falmouth.	.....	Conrad, (bonded).	898
Sea Bride, bark.	.....	.....	.....	.....	.....	447
Transit, schr.	A. Knowles.	New-London.	.....	July 15, 1861.	Steamer Winslow.	195
T. B. Wales, ship.	Lincoln.	Calcutta.	Boston.	1863.	"	599
Tonawanda, ship.	T. Julius.	Philadelphia.	Liverpool.	Oct. 9, 1863.	Steamer Alabama, lat. 28.30, lon. 58.	1,300
Tacony, bark.	William G. Mundy.	Port Royal.	Philadelphia.	June 12, 1863.	" lat. 40.30, lon. 54.30, (bonded)	296
Texas, bark.	Thomas E. Wolfe.	New-York.	New-Orleans.	June 12, 1863.	Steamer Florida, lat. 37.18, lon. 75.04.	588
Talisman, ship.	Howard.	New-York.	Shanghai.	June 5, 1863.	Privateer Boston, at mouth of Mississippi.	1,237
Umpire, brig.	Perry.	Laguna.	Boston.	June 16, 1863.	Alabama, lat. 14 S., lon. 34 W.	196
Union Jack, bark.	C. P. Weaver.	New-York.	Shanghai.	May 3, 1863.	Privateer Tacony, lat. 37, lon. 69.573.	300
Virginia, bark.	S. B. Tilton.	New-Bedford.	Whaling.	1863.	Steamer Alabama, lat. 9.40 S., lon. 32.30.	300
Vigilant, ship.	Hathaway.	New-Bedford.	Cruising.	.....	" lat. 39.10, lon. 34.20.	650
Varunum, H. Hill, schr.	.....	Provincetown.	.....	.....	Florida, lat. 30 N., lon. 48.50, (bonded).	90
West Wind, bark.	Saunders.	New-York.	New-Orleans.	June 27, 1862.	Steamer Sumter.	429
Wave Crest, bark.	Harman.	New-York.	Cardiff.	July, 1861.	Steamer Alabama, lat. 40.25, lon. 54.25.	409
Weather Gauge, schr.	G. Clark, Jr.	New-York.	.....	Oct. 7, 1862.	"	200
Washington, ship.	White.	New-York.	Liverpool.	1862.	Steamer Florida.	1,655
Windward, brig.	Roberts.	Matanzas.	Boston.	Jan. 26, 1863.	"	199
W. McGilvery, brig.	Hartman.	Cardenas.	Philadelphia.	Jan. 23, 1863.	Privateer Jeff. Davis.	198
W. S. Robbins, bark.	.....	Arroya.	New-York.	July, 1861.	Steamer Sumter.	200
Whistling Wind, bark.	Butler.	Philadelphia.	New-Orleans.	June, 1861.	Privateer Coquette, lat. 33.38, lon. 71.29.	349
Wanderer, schr.	.....	Gloucester.	Fishing.	June 6, 1863.	Privateer Tacony.	200
William B. Nash, brig.	Coffin.	New-York.	Marseilles.	June 22, 1863.	Florida, lat. 40, lon. 70.	299
				July 8, 1863.		

SUMMARY—178 vessels, comprising 1 U. S. gunboat; 1 steamer; 1 steam-tug; 54 ships; 42 barks; 32 brigs; 47 schooners—80,899 tons.





